



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,153	12/21/2001	Joseph Langner	384.7459USU	3568

7590 03/15/2007
Paul D. Greeley, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682

EXAMINER

LOFTUS, ANN E

ART UNIT	PAPER NUMBER
----------	--------------

3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/032,153	Applicant(s) LANGNER ET AL.	
	Examiner Ann Loftus	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/4/2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "206" has been used to designate both a purchase list button and a prospect selection area in Figure 10. The drawing is also missing the label for the tab selector 192.

Figures 15-22 appear as two figures per page with inadequate separation between the figures. The figures represent web pages. Adding a surrounding box to each figure would make the boundaries of each web page clear.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

Figures 4-23 do not have separate descriptions in the Brief Descriptions of Drawings section.

Page 2, paragraph 20 refers to a communication system 40 which does not appear on Figure 2.

Page 2, paragraph 26 refers to a user device 42, while the user device in the figure is labeled 48.

Page 2, paragraph 30 refers to the collection services button (92) as a credit services button, which would be 93.

Page 3, paragraph 34, the phrase "an identifier is a credit evaluator has been ordered and stored" is unclear and may contain a typo. Perhaps the word "is" should read "if".

Page 3, paragraph 34, Figure 5 does not show a button 124.

Page 3 paragraph 38 refers to the e-business device as 47 and 48 instead of 45.

Page 3, paragraph 40 refers to an item 162 which does not appear on Figure 6.

Page 3, paragraph 41, alert button 122 is on Figure 5 not Figure 4.

Page 4, paragraph 43 refers to 200, (an area for selection of prospects), which is not labeled on the Figure.

Page 4 paragraph 45 refers to a menu 110 which does not appear on the figures.

Page 4 paragraph 45 fails to use the reference numbers 216 and 218.

The remaining figures (15-24) and descriptions have not been checked for discrepancies, as the pattern should be clear from the examples given. In particular, all reference labels used in the drawings should appear in the specification, and all labels

Art Unit: 3694

referenced in the specification should appear on the drawings. The same label can only be used twice if it refers to the same part of the same system. Intentional contradictions in the text and drawings should be explained, and unintentional ones corrected.

Appropriate correction is required.

Claim Objections

3. Claims 18, 19, 37 and 38 are objected to because of the following informalities: the concepts of presenting a record to a customer and communicating a record appear to be redundant. Any difference intended is not clear. Appropriate correction is required.

Claims 19 and 38 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 19 and 38 add the concept of "selectively" communicating a payment performance record. Since the user is only receiving payment records of targeted companies, the communication is already selective. Any difference intended is not clear. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6, 7, 15, and 32-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 6, 7, 33 and 34, the phrase "business device" does not indicate a category with clear boundaries; a court would have trouble deciding what devices belong in this category. The specification refers to an e-business device, but it is not clear how this would differ from the user device already claimed. One of ordinary skill in the art might presume that the business side is the server side, as opposed to the client side, so that a web server (i.e. a computer running Apache) would be a business device. Another interpretation would be a set-up that is dedicated in some way to business to business, such as for Electronic Data Interchange (EDI). The phrase fails to specify the metes and bounds of the claims, and is therefore rejected.

As to claims 15 and 32, the term "posting to a menu" is unclear. A person of ordinary skill in the art at the time of the invention would understand online posting to mean a user entering data into a data entry area on a web page, or sometimes a host putting up new content, but one normally does not enter data into a menu. The phrase fails to specify the metes and bounds of the claims, and is therefore rejected.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3694

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, 8, 10, 13, 20, 22, 25, 27, 30, 42 and 43 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention at infoUSA, hereafter called infoUSA. InfoUSA is documented by the Internet archive from 05/10/2000 at <http://web.archive.org/web/20000510212005/www.infousa.com/homesite/index.html>.

As to claim 1, infoUSA anticipates presenting menus to a user to permit selection of business services and to identify a target business. InfoUSA anticipates delivering data for business services selected by the user concerning the target business.

As to claims 20, 42 and 43, InfoUSA further anticipates preparing a report such as a credit report. Delivering the report is inherent in the fact that the reports are for sale. The credit reports link appears on the infoUSA site, but the work was done by a division called businesscreditUSA.com, further described in the Press release entitled BusinessCreditUSA.com Partners with PIPE(Corporation to Offer Business Credit Reports to B2B Customers On-Line, 6/16/2000.

As to claims 3 and 22, the infoUSA document is a web page from the internet archive, thus inherently it anticipates being conducted online.

As to claims 8 and 25, infoUSA anticipates a web page.

As to claims 10 and 27, infoUSA anticipates at least two business services on the same menu.

As to claims 13 and 30, infoUSA anticipates risk evaluation reports (credit reports).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-7, 9, 14, 23, 24, 26, 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over infoUSA.

As to claims 4 and 23, and 9 and 26, infoUSA discloses a web page, but does not specifically disclose an application in a user device operated by the user. Official Notice is taken that web pages were commonly displayed in browsers, which are applications commonly run on a user device commonly operated by a user. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the features of infoUSA were at least partially implemented in a browser application in a user device operated by said user in order to allow easy access from commonly available browsers.

As to claims 5 and 24, infoUSA discloses a web page, but does not specifically disclose menus cached in a user device. Official Notice is taken that web pages were commonly displayed in browsers, which commonly cache pages on a user device. It would have been obvious to a person of ordinary skill in the art at the time of the

Art Unit: 3694

invention that the menus of infoUSA could be cached in a user device in order to re-display the page quickly, without having to fetch the entire page over a network a second time.

As to claims 6 and 33, presuming that a business device is a user device where the user is working on behalf of a business, the analysis of claims 4 and 23 would apply. The examiner also takes Official Notice that web servers routinely cache popular pages. If a web server is a business device, it would routinely hold cached data in order to improve response times.

As to claims 7 and 34, as above, the analysis of claims 5 and 24 would apply.

As to claims 14 and 31, infoUSA teaches the parent claims. InfoUSA does not teach presenting credit risk with a risk indicator that designates low/moderate/high risk in a color coded manner. Official Notice is taken that meter icons are well recognized graphic indicators of risk. Meter icons resemble temperature or pressure gauges, where a rotating indicator needle can rise from a low safer range, often a green wedge to the left, through a middle zone, to a more risky red wedge on the right. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a meter icon on a report to designate either a low risk, a moderate risk or a high risk in a color coded manner in order to have an icon that would convey meaning quickly to a broad range of people.

10. Claims 15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over infoUSA as described above, and further in view of infoUSA as described in a later web page. The second web page is documented at the internet archive from 9/17/2001.

As to claims 15 and 32, infoUSA as first documented above does not teach delivery by email. A second web page from infoUSA teaches delivering data by email in the page listing products. It would have been obvious to a person of ordinary skill in the art at the time of the invention to offer data services by email because it saves the cost of shipping and handling for a CD.

11. Claims 18, 19, 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over infoUSA as described above, and further in view of Experian as described in a press release dated 2/3/2000.

As to claims 18, 19, 37 and 38, InfoUSA teaches a credit report. InfoUSA does not specifically teach a payment performance record as part of the credit report. Experian teaches payment performance as a component of the credit report. It would have been obvious to a person of ordinary skill in the art at the time of the investment for a company that sells credit reports to present payment performance records as a part of the package in order to give evidence for a score or rating and add to the credibility of the report.

12. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent no. 5274547, issued in 1993 to Zoffel et al, in view of Experian as described in a press release dated 2/3/2000.

As to claims 39 and 40, Experian teaches payment performance as a component of a credit report. Zoffel teaches communicating business data among devices, including presenting (for comparison) credit reports and selectively communicating them to a business service provider. It would have been obvious to a person of ordinary skill in the art at the time of the invention to present payment performance records to a user and then selectively communicate them to a business service provider as part of a credit report package as above.

As to claim 41, Zoffel and Experian teach the parent claims as above, but do not specifically teach sending data in a format usable by the recipient. Official Notice is taken that sending data in a format usable by the recipient device is common in order to allow the use of the data.

13. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over infoUSA, further in view of Allied National, Inc and in view of Stockboss. Allied is described in a company history chart at <http://www.andc.com/coinfo.htm> and Stockboss is documented by the internet archive from 10/18/2000 at <http://web.archive.org/web/20001018021743/www.softwinc.com/>.

As to claim 2 and 21, infoUSA anticipates the business services of credit, marketing and supplier. Suppliers can be found in the infoUSA Yellow Pages. InfoUSA

does not specifically teach collection or alert services. Allied offers collection services and Stockboss offers alert services. It would have been obvious to a person of ordinary skill in the art at the time of the invention that these services could be presented together in a portal arrangement in order to facilitate one-stop access to lots of services for their target audience. Such a portal arrangement existed at <http://www.business.gov>, which assembles several business services for federal contractors.

14. Claims 16, 17, 35 and 36 are are rejected under 35 U.S.C. 103(a) as being unpatentable over infoUSA, further in view of Stockboss.

As to claims 16 and 17, InfoUSA teaches the parent claims, but does not teach alert notices. Stockboss teaches alert notices about targeted businesses. It would have been obvious to a person of ordinary skill in the art at the time of the invention to add alert notices to a business services site because alerts and newsletters are a source of advertising revenue and a way to keep in touch with a customer who has forgotten the web site.

As to claims 17 and 36, Official Notice is taken that filing related information in a common folder is old and well-known. Because information on paper was commonly filed and organized by folders, the metaphor was used to organize data on computers as well. It would have been obvious to a person of ordinary skill in the art at the time of the invention to enhance personalization by allowing a user to organize data in folders in order to allow the user to easily find a particular bit of information. Official Notice is taken that business information has long been organized according to the subject company; for instance, all of the Experian information might be together in a folder

called Experian. It would have been obvious to a person of ordinary skill in the art at the time of the invention to organize old alert notices by target business in a folder.

15. Claims 11, 12, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over infoUSA, in view of my.hoovers.com. My.hoovers.com is described in an article from April of 2000 titled Hoover's First to Use Kurion's My.com Solution, from Internetnews.com.

As to claims 11 and 28, My.hoovers.com teaches personalization by allowing users to organize content with keywords (internetnews.com). My.hoovers.com does not specifically teach allowing a user to categorize a target business by customer, supplier, partner, competitor, project or user's company. Official Notice is taken that customer, supplier, partner, competitor, project and user's company are common keywords to use for identifying a relationship between companies. It would have been obvious to a person of ordinary skill in the art at the time of the invention to allow a user to use those keywords to categorize business data because then all businesses with a particular type of relationship would be tagged, and could be used together as input for mail merges and such.

As to claims 11 and 28, My.hoovers.com teaches personalization by allowing users to organize content with keywords (internetnews.com). My.hoovers.com does not specifically teach allowing a user to categorize a target business by: sell to, buy from, compete, get paid and locate. Official Notice is taken that sell to, buy from, compete, get paid and locate are common keywords to use for identifying a relationship between companies. It would have been obvious to a person of ordinary skill in the art

at the time of the invention to allow a user to use those keywords to categorize business data because then all businesses with a particular type of relationship would be tagged, and could be used together as input for mail merges and such.

Information Disclosure Statement

16. There is no Information Disclosure Statement in the record at this time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Loftus whose telephone number is 571-272-7342. The examiner can normally be reached on M-F 8-4.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/032,153
Art Unit: 3694

Page 14

AL
3/1/07


ELLA COLBERT
PRIMARY EXAMINER